

**A CERTIFIED TRUE COPY**

SEP 26 2005

ATTEST  
FOR THE JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION

FILED  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF LAJUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

2005 SEP 28 PM 2:48

SEP - 8 2005

DOCKET NO. 05-1657 G. WHYTE  
CLERKFILED  
CLERK'S OFFICEFILED BY  
S  
DC05 NOV 21 PM 3:06  
96**IN RE VIOXX PRODUCTS LIABILITY LITIGATION**

(SEE ATTACHED SCHEDULE)

**CONDITIONAL TRANSFER ORDER (CTO-23)**

On February 16, 2005, the Panel transferred 138 civil actions to the United States District Court for the Eastern District of Louisiana for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 1,491 additional actions have been transferred to the Eastern District of Louisiana. With the consent of that court, all such actions have been assigned to the Honorable Eldon E. Fallon.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the Eastern District of Louisiana and assigned to Judge Fallon.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Louisiana for the reasons stated in the order of February 16, 2005, 360 F.Supp.2d 1352 (J.P.M.L. 2005), and, with the consent of that court, assigned to the Honorable Eldon E. Fallon.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Louisiana. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:

*Michael J. Beck*Michael J. Beck  
Clerk of the Panel

05-1203

Inasmuch as no objection is pending at this time, the stay is lifted.

SEP 26 2005

CLERK'S OFFICE  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATIONCLERK'S OFFICE  
A TRUE COPY

NOV - 4 2005

Deputy Clerk, U.S. District Court  
Eastern District of Louisiana  
New Orleans, LA

Fee \_\_\_\_\_  
 Process \_\_\_\_\_  
 Dkt'd *JDT*  
 C.Rm/Dep. \_\_\_\_\_  
 Doc. No. *7036*

9

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF LOUISIANA  
OFFICE OF THE CLERK

LORETTA G. WHYTE  
CLERK

500 POYDRAS ST., ROOM C-151  
NEW ORLEANS, LA 70130

November 15, 2005

Robert Di Trolio, Clerk  
United States District Court  
Western District of Tennessee  
111 S. Highland  
Jackson, TN 38301

05 NOV 21 PM 3:05  
FILED BY *[Signature]*  
D.C.

In Re: MDL 1657 Vioxx Products Liability Litigation

Your Case No. C.A. 1:05-1203 Phillip  
Vernon v. Merck & Co., Inc.  
Our Case No. C.A. 05-4878 L (3)

Dear Mr. Di Trolio:

Enclosed is a certified copy of a transfer order received from the Multidistrict Litigation Panel in Washington, D.C. It instructs that the case listed above be transferred to our district for disposition pursuant to Title 28 USC 1407, as soon as possible. Our office has assigned a new civil action number to this case as referenced above.

**DO NOT FORWARD THE ORIGINAL RECORD.** The Honorable Eldon E. Fallon, U.S. District Court Judge issued an order directing that the transfer of records consist of only a certified copy of the complaint (including notice of removal, if applicable), any amendments, the docket sheet and the MDL Transfer Order, together with a copy of the transfer letter be forwarded to the transferor court.

**Due to the high volume of cases involved in this litigation please provide paper copies of the above documents instead of simply referring to your website.**  
Your prompt attention in this matter is greatly appreciated.

Should you have any questions regarding this request, please contact Dina Guilbeau at (504)589-7704.

Very truly yours,  
Loretta G. Whyte, Clerk

By *[Signature]*  
Deputy Clerk

Enclosures

cc: Judicial Panel on Multidistrict Litigation

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION**

Thomas M. Gould  
Clerk of Court

111 South Highland Ave., Room 262  
Jackson, Tennessee 38301  
731-421-9200  
731-421-9210 Fax

November 23, 2005

United States District Court  
Eastern District of Louisiana  
500 Poydras St., Room C-151  
New Orleans, LA 70130

RE: Vernon vs. Merck & Co., Inc., Et al.,  
05-4878 -Your Case No.  
05-1203 T/An -Our Case No.

Dear Clerk:

Pursuant to the Conditional Transfer Order (CTO-24) the above referenced case has been transferred to the United States District Court for the Eastern District of Louisiana . Please find enclosed a certified copy of the Notice of Removal/Lower Court Complaint, Docket Sheet, MDL Transfer Order, and a copy of the transfer letter to the transferor court. I am also enclosing a copy of this cover letter and requesting that you acknowledge receipt and return it to our office in the provided envelope. Thank you for your attention in this matter.

Thomas M. Gould, Clerk

BY: *Cassandra Kied*

Deputy Clerk

ENCLOSURES

UNITED STATES DISTRICT COURT - WESTERN DISTRICT OF TENNESSEE



# Notice of Distribution

This notice confirms a copy of the document docketed as number 9 in case 1:05-CV-01203 was distributed by fax, mail, or direct printing on November 23, 2005 to the parties listed.

---

Lisa M. Martin  
BUTLER SNOW O'MARA STEVENS & CANADA, PLLC  
6075 Poplar Ave.  
Ste. 500  
Memphis, TN 38119

Kathryn E. Barnett  
LIEFF CABRASER HEIMANN & BERNSTEIN, LLP- Nashville  
One Nashville Place  
150 4th Ave., N.  
Ste. 1650  
Nashville, TN 37219--242

Honorable James Todd  
US DISTRICT COURT